

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8454 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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RAJUSING FATESING

Versus

COMPETENT AUTHORITY & DEPUTY COLLECTOR

Appearance:

MR PM BHATT for Petitioner

Mrs Manisha Lavkumar, AGP, for Respondent No. 1, 2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 23/06/1999

ORAL JUDGEMENT

Heard Mr Bhatt for the petitioner and Mrs Manisha

Lavkumar, learned AGP, for the respondents.

2 The petitioner has challenged the order passed by the State Government under sub-section (2) of Section 20 of the Urban Land (Ceiling & Regulation) Act, 1976, cancelling the exemption granted in favour of the petitioner in respect of the land in question under sub-section (1) of Section 20 of the Act. While admitting this petition, this Court directed the parties to maintain status quo regarding the land in question. Hence, it is stated that the notification under section 10(3) of the Act is not issued and the authorities have not taken possession of the land in question from the petitioner which fact is not in dispute.

3 The Urban Land (Ceiling & Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling & Regulation) Repeal Act, 1999, as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March 1999, passed under Article 252(2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, 1999, the orders impugned in the present petition do not survive and all the proceedings under the Urban Land (Ceiling & Regulation) Act, 1976 in respect of the land in question as well as the present petition have abated.

4 The petition is accordingly disposed of as having abated. There shall be no order as to costs.

(M S SHAH, J.)
(mohd)